

A Theoretical Assessment of Humanitarian Intervention and R2P

Written by Yuki Yoshida

This PDF is auto-generated for reference only. As such, it may contain some conversion errors and/or missing information. For all formal use please refer to the official version on the website, as linked below.

A Theoretical Assessment of Humanitarian Intervention and R2P

<https://www.e-ir.info/2013/01/16/from-kosovo-to-libya-theoretical-assessment-of-humanitarian-intervention-and-the-responsibility-to-protect/>

YUKI YOSHIDA, JAN 16 2013

From Kosovo to Libya: Theoretical Assessment of Humanitarian Intervention and the Responsibility to Protect

Abstract

This paper discusses how international relations theories (realism and liberalism) can explain states' responses to humanitarian crises. The paper explores whether states' responses to the crises changed before and after the responsibility to protect (R2P) was adopted at the World Summit in 2005. To see whether there have been any changes, the author purposefully selected two case studies: the NATO intervention in Kosovo (1999) before R2P was adopted and another NATO intervention in Libya (2011) after R2P was adopted. The paper argues that, although adoption of R2P was significant progress of the liberal school, realism, characterized as state's desire to protect its national interests and survival in the anarchic international system, still enjoyed greater explanatory power for the NATO intervention in Libya rather than liberalism.

Introduction

Although so-called "humanitarian interventions" have been undertaken in the post-Cold War era, most of the interventions, in fact, were not purely humanitarian-oriented, but were greatly driven by states' national interests. Holzgrefe defines humanitarian intervention as:

"...the threat or use of force across state borders by a state (or group of states) aimed at preventing or ending widespread and grave violations of the fundamental human rights of individuals other than its citizens, without permission of the state within those territory force is applied." [1]

One of the humanitarian interventions in the 1990s was the North Atlantic Treaty Organization (NATO) intervention in Kosovo in 1999. NATO, however, was criticized by developing states, claiming that NATO intervened to pursue its own interests rather than humanitarian objectives.

To avoid an interest-driven intervention and to promote one focusing on civilian protection in humanitarian crises, the International Commission on Intervention and State Sovereignty (ICISS), established by the Canadian government, proposed the notion of the responsibility to protect (R2P). R2P is defined as the responsibility of states as well as of the international community to protect civilians from human rights violations. After unanimously adopted at the 2005 World Summit, R2P was said to be the basis of the NATO intervention in Libya in 2011. Still, many developing states suspected that the intervention was undertaken based on national interests of Western states as in the case of Kosovo.

By analyzing the NATO intervention in Kosovo as the "pre-R2P" case and the NATO intervention in Libya as the "post-R2P" case, this paper assesses whether states' responses to humanitarian crises have changed since the

A Theoretical Assessment of Humanitarian Intervention and R2P

Written by Yuki Yoshida

adoption of R2P in 2005. By looking at both realism and liberalism, the paper also explores which international relations theory better explains humanitarian intervention and R2P. The paper argues that while the adoption of R2P represents significant progress of the liberal school, its effects on interventions have been limited. Although some of the intent behind states' humanitarian responses reflects the protection of human rights, the thrust of responses to humanitarian crises in the post-R2P period remains heavily influenced by realism, which emphasizes preservation of national interests.

Relevant Theories

One of the assumptions of neoclassical realism is, as Hans J. Morgenthau argues, all human beings inherently seek to increase their power. [2] The power-seeking human nature creates a situation where statesmen struggle for power over other states. Morgenthau argues, "Politics is a struggle for power over men...the modes of acquiring, maintaining, and demonstrating it determine the technique of political action." [3] In international politics, states are always concerned about national interests such as security and wealth. To preserve their interests, intervention could be an option. Morgenthau argues:

"Intervene we must where our national interest requires it and where our power gives us a chance to succeed. The choice of these occasions will be determined...by a careful calculation of the interests involved and the power available." [4]

Morgenthau defines success as "the degree to which one is able to maintain, to increase, or to demonstrate one's power over other." [5]

Unlike neoclassical realism emphasizing human nature, neorealism focuses on an anarchic international system, in which there is no central authority that governs international politics. Kenneth Waltz, a leading scholar of neorealism, argues that in a self-help international system, the state's foreign policy is determined based on its national interests. [6] States continuously make efforts to preserve their interests and to ensure their survival because in the self-help system, "no one can be relied on to do it for them." [7] Tucker argues that states' interests expand as they gain more power in international politics. [8] Similar to Morgenthau, Waltz argues that success means preservation and reinforcement of the state's power. [9] To summarize, classical neorealism focuses on power-seeking human nature, whereas neorealism focuses on an anarchic international system. Despite their different focuses, both strands shed light on states' national interests and their desire to increase power.

In contrast to realists' focus on state as a major actor, liberalism emphasizes protection of human rights. Classical liberals argue that human beings possess "fundamental natural rights to liberty consisting in the right to do whatever they think fit to preserve themselves, provided they do not violate the equal liberty of others unless their own preservation is threatened." [10] People also have the right "to be treated and a duty to treat others as ethical subjects and not as objects or means only." [11]

Another core assumption of liberalism is that states can cooperate for a mutual gain. [12] While liberals acknowledge that each individual or state seeks personal gain, they believe that individuals share some interests, which can make both domestic and international cooperation possible. [13] To support this argument, liberals cite emergence of international organizations, such as the United Nations, as an example of prevalence of interstate cooperation. [14]

One of the strands of liberalism discussing the validity of humanitarian intervention is contemporary liberal internationalism. Michael Walzer, a leading scholar of this strand, argues that military intervention can be justified as a last resort and as a means to protect civilians from human rights violations, such as genocide and crimes against humanity. [15] However, such intervention should not be undertaken unilaterally, but rather multilaterally with the authorization of the UN Security Council because liberal internationalists believe that multilateralism prevents great powers from pursuing national interests rather than humanitarian objectives in intervention.

NATO Intervention in Kosovo (1999)

A Theoretical Assessment of Humanitarian Intervention and R2P

Written by Yuki Yoshida

The first case analyzed is the NATO intervention in Kosovo in 1999. The case study explores what factors made the US and other NATO member states determined to intervene in the conflict in the Balkans. It illustrates why realism rather than liberalism better explains their motivations.

In 1989, Serbian President Slobodan Milosevic refused to recognize autonomy of Kosovo, which was guaranteed under Yugoslavia's 1974 constitution, and made it under control of the Serbian republic. [16] Responding to the refusal, Kosovar Albanians established their own governing structure and conducted a series of non-violent protests against Milosevic and the Serb government to regain its autonomous status. After those efforts failed. The Kosovo Liberation Army (KLA) conducted systematic attacks against Yugoslav police in 1997. In the next year, as retaliation, Serbs began ethnic cleansing against Kosovar Albanians. The UN Security Council failed to authorize the use of force to halt the ethnic cleansing because Russia warned that it would oppose any resolution authorizing use of force. [17] In 1998, although the Council in Resolution 1199 called for a cease-fire and withdrawal of Yugoslav forces, Serbs continued ethnic cleansing. On January 29, 1999, NATO facilitated the negotiation between Serb and Kosovar Albanian leaders at Rambouillet where the two parties discussed disarmament of the KLA, withdrawal of Yugoslav forces, and Kosovo's status. However, the negotiation failed due to Serb refusal to sign the agreement. [18] To halt the ethnic cleansing, on March 24, NATO without Security Council authorization initiated an air campaign against Yugoslavia. [19]

NATO's air campaign in Kosovo seemed to be successful because NATO did not lose aircrew members during the 78-day campaign. [20] NATO was also able to hit over 99 percent of its targets, which illustrated precision in its air strikes. Despite achievement of its strategic objectives, NATO, in fact, failed to achieve humanitarian objectives on the ground. First, NATO not only failed to halt the ethnic cleansing, but also made Milosevic determined to intensify the scale of ethnic cleansing. [21] Second, roughly 500 to 1,000 civilians were killed by NATO bombings. [22] Third, NATO destroyed socioeconomic infrastructure in Serbia including bridges, factories, television stations, media facilities, power plant sites, and even some historic monuments. Fourth, after the air campaign, the number of Kosovar Serb refugees climbed. [23] In other words, the NATO air campaign created an unintended humanitarian crisis in the Balkans. Thus, although the intervention in Kosovo might be viewed as a success from an operational point of view, it was not successful from a humanitarian point of view.

Why did NATO Intervene in Kosovo?

Some NATO officials and member states did express humanitarian concerns regarding the civil war. Prior to the intervention, NATO Secretary-General Javier Solana stated:

"Our objective is to prevent more human suffering and more repression and violence against the civilian population in Kosovo...We must halt the violence and bring an end to the humanitarian catastrophe now unfolding in Kosovo...We have a moral duty to do so." [24]

At the Security Council meeting held right after NATO initiated its air campaign, the US delegate stated that the intervention was necessary "to respond to Belgrade's brutal persecution of Kosovar Albanians, violations of international law, excessive and indiscriminate use of force, refusal to negotiate to resolve the issue peacefully and recent military built-up in Kosovo..." [25] The Canadian delegate also emphasized the humanitarian nature of the intervention:

"Humanitarian considerations underpin our action. We cannot simply stand by while innocents are murdered, and entire population is displaced, villages are burned and looted, and a population is denied its basic rights..." [26]

Thus, it seemed that the intervention was, to some extent, driven by the humanitarian concerns of NATO member states, which can be explained through the liberal lens.

Other national interests, however, seemed to be more at stake than humanitarian interests for NATO member states. Some European states that participated in the intervention, such as Belgium, Portugal, and Spain were concerned that the conflict in Kosovo could spread and produce refugee flow, which would undermine regional

A Theoretical Assessment of Humanitarian Intervention and R2P

Written by Yuki Yoshida

stability. [27] Thus, Europe's proximity to the conflict and fear of spread motivated not all, but many European states to intervene or at least to support the intervention for their own security.

The US, which led the intervention, also had vital interests, though the conflict in Kosovo might not have undermined security of the US. President Clinton stated that one of the purposes of the intervention was to ensure the credibility of NATO in Europe. [28] Because NATO has played a critical role in maintaining US hegemony in Europe, [29] continued existence of NATO as an effective institution was imperative for the US to continue its dominance in the region. [30]

The existence of NATO in Europe, however, has been threatened by several European states. In the post-Cold War era, France and Germany started claiming that Europe should be independent from the US military umbrella. [31] In 1991, both French and German leaders proposed the establishment of the Western European Union (WEU) "as an integral component of the European Security and Defense Identity," and the WEU subsequently became the official military force of the European Union. [32] In 1995 the two states further announced the creation of the "Franco-German corps," which is operated outside the EU framework, but encourages other European states to join. [33] Because development of such independent European forces undermined legitimacy of NATO and US hegemony in Europe, the US persuaded small European states not to join those forces to undermine European commitment to forming independent forces. [34] The US's active involvement in the intervention can also be viewed as an effort to regain its hegemonic figure in Europe. Thus, protection of national interests seemed to be a major factor that led the US to intervene.

Moreover, by intervening in conflict occurring in eastern Europe, the US attempted to prevent Russia from becoming influential in the region. Since NATO eastward expansion in Europe was proposed in 1994, NATO has increased its membership in the region, such as Poland, Hungary, and the Czech Republic. [35] Gibbs argues that "expansion gave NATO a new function – preserving order in eastern Europe – which could serve as a partial replacement for the now obsolete objectives of preventing Soviet invasion." [36] In the post-Cold War era, the US still perceived Russia and communism as a potential threat to Western world. Waltz argues that the US can justify its actions abroad by exaggerating "the Russian or the communist threat and overreact to slight danger." [37] When the US intervened in Kosovo, Russia did not pose any imminent threat to the region, indicating that US sensitivity to Russian threat remained unchanged. In short, NATO eastward expansion aimed to extend US hegemony to eastern Europe so that the US could contain Russia. Thus, what Gibbs calls "double containment" – containment of both US allies in Europe and Russia – was US's vital interest through the intervention. In sum, although completely ignoring humanitarian interests of NATO might be wrong, realism, characterized by security concerns of European states and US's power-seeking nature, seems to have greater explanatory power for the intervention than liberalism.

Creation of the Responsibility to Protect (R2P)

In the 1990s, the UN Security Council failed to respond timely and decisively to several gross human rights violations including genocide in Rwanda (1994) and ethnic cleansing in Kosovo largely due to the principle of non-interference of sovereignty. [38] Responding to UN Secretary-General Kofi Annan's call for reconciling the dilemma between sovereignty and human rights, the Canadian government took initiatives to establish the International Commission on Intervention and State Sovereignty (ICISS) in 2001. [39] One of the most remarkable achievements of the ICISS was the creation of the "responsibility to protect" (R2P). According to the ICISS's report "Responsibility to Protect," R2P consists of three pillars: (1) states have the primary responsibility to protect their citizens from crimes against humanity, ethnic cleansing, genocide, and war crimes, (2) the international community has the responsibility to assist states in fulfilling their responsibility to protect citizens, and (3) the international community has the responsibility to react to human rights violations if states are unable or unwilling to fulfill their responsibility through political or economic sanctions, and use of force as a last resort. [40]

R2P was established based on the idea of "sovereignty as responsibility." According to several UN officials who developed the idea in the 1990s, sovereignty embraces a dual responsibility: externally to respect sovereignty of other states and internally to respect and protect human rights of citizens within the state. [41] The ICISS report argues, "State sovereignty implies responsibility and the primary responsibility for the protection of its people lies with

A Theoretical Assessment of Humanitarian Intervention and R2P

Written by Yuki Yoshida

the state itself.” [42] With the redefined sovereignty, a state would lose the right to sovereignty when it is unable or unwilling to protect citizens, and “the responsibility to protect them should be borne by the international community of states.” [43] Thus, the ICISS challenged traditional understanding of sovereignty as right by emphasizing the responsibility of a state as a holder of sovereignty to manage its internal affairs.

In the report, the ICISS shifted language from “the right to intervene” to “the responsibility to protect.” The shift of language suggests that the focus is now placed on victims who suffer from violence rather than on intervening states that pursue national interests. [44] Gareth Evans, a co-chair of the ICISS, states:

“The whole point of embracing the new language of “the responsibility to protect” is that it is capable of generating an effective, consensual response to extreme, conscious-shocking cases in a way that “right to intervene” language simply could not.” [45]

With the new terminology, the ICISS also aimed to generate political will to intervene by appealing for states’ moral duty to save humanity, which was missing in the 1990s.

The report stipulates six criteria for military intervention including right authority, just cause, right intention, last resort, proportional means, and reasonable prospects. [46] First, military intervention must be authorized by the right authority – the UN Security Council. [47] To make the Security Council a more competent body that can respond to humanitarian crises, the ICISS encourages Council’s permanent members to refrain from exercising the veto when “quick and decisive action is needed to stop or avert a significant humanitarian crisis.” [48] Second, just cause refers to whether there is large scale loss of life or large scale killing with genocidal intention or ethnic cleansing. [49] Third, the intervention should be driven by the right intention – humanitarian interests, not by national interests. [50] Fourth, military intervention is only justified as a last resort after all preventive measures, such as political and economic sanctions are attempted and failed, and a state continuously is failing to protect citizens. [51] Fifth, use of force should be proportional, meaning that it should be “the minimum necessary to secure the humanitarian objective in question.” [52] Sixth, military intervention is only regarded as a success if it achieved humanitarian objectives. Thus, the ICISS clarified in detail when and how states can militarily intervene.

R2P, established outside the UN framework, soon became the UN agenda. In 2004, R2P was discussed in the context of UN reform. [53] The report by the UN High-Level Panel on Threats, Challenges and Changes declared that R2P was an emerging international norm:

“We endorse the emerging norm that there is a collective international responsibility to protect, exercisable by the Security Council authorizing military intervention as a last resort, in the event of genocide and other large-scale killing, ethnic cleansing or serious violations of international humanitarian law which sovereign Governments have proved powerless or unwilling to prevent.” [54]

The year 2005 was a historic moment for R2P because it was unanimously adopted by the heads of state at the World Summit. [55] Global leaders agreed that states have the primary responsibility to protect their citizens from genocide, ethnic cleansing, crimes against humanity, and war crimes. If states fail to fulfill their responsibility, the responsibility to protect will yield to the international community through various means including use of force. The specific provisions for R2P were stipulated in paragraphs 138 and 139 of the World Summit Outcome Document:

“138. Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. This responsibility entails the prevention of such crimes, including their incitement, through appropriate and necessary means...The international community should, as appropriate, encourage and help States to exercise this responsibility and support the United Nations in establishing an early warning capability.

139. The international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII of the Charter, to help protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. In this context, we are

A Theoretical Assessment of Humanitarian Intervention and R2P

Written by Yuki Yoshida

prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities manifestly fail to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity.” [56]

In 2006, the Security Council adopted Resolution 1647 on the Protection of Civilians in Armed Conflict, reaffirming provision of R2P adopted at the World Summit. [57] Furthermore, UN Secretary-General Ban Ki-moon has actively promoted R2P by publishing several reports including “Implementing the Responsibility to Protect” (2009), “Early Warning, Assessment and the Responsibility to Protect” (2010), and “The Role of Regional and Sub-regional Arrangements in Implementing the Responsibility to Protect”(2011). R2P remains one of the most important and debated agendas at the UN.

It is clear that the foundation of R2P is the liberal view of the world. As liberals emphasize, human rights protection is the core of R2P. Additionally, R2P calls for the international cooperation to protect citizens if states fail to fulfill their responsibility. Moreover, that use of force as a last resort to halt human rights violations can be justified resonates with the argument of contemporary liberal internationalism. Thus, R2P is a norm comprised of core assumptions and beliefs of liberalism.

In contrast, realists would argue that implementation of R2P would continue to be determined based on national interests of great powers. As the third pillar of R2P states, if states fail to protect citizens from human rights violations, the international community will fulfill that responsibility. Realists would then question what the international community refers to in this context. As the ICISS clarified in its report, only the UN Security Council can authorize military intervention. More specifically, the five permanent member states will determine whether the “international community” will intervene based on their national interests. Moses argues that “there can be no guarantee of good behavior by great powers, precisely because there are no higher powers that can hold them to account.” [58] Moses further claims that “it is the powerful who decide when interventions should take place and what form they should take...” [59] Moral sensibility is also less important than national interests for such intervening states. Thus, realists would conclude that states’ responses to humanitarian crises would not change even after the adoption of R2P that calls for the international community’s moral duty to save civilians in mass atrocities.

NATO Intervention in Libya (2011)

The second case analyzed is the NATO intervention in Libya in 2011. The case study explores some of the interests of intervening states and highlights again how the realist theory has better explanatory power. The case study also examines if there have been any changes since the intervention in Kosovo, concluding that R2P’s impact has been limited.

The uprising for political reforms in Libya against the Muammar el-Qadhafi regime occurred in the context of the so-called “Arab Spring,” in which states in North Africa and the Middle East claimed democratization of their states. In mid-February 2011, several protesters were killed by Qadhafi’s forces in Benghazi and other eastern cities. [60] During the clashes between the Libyan authority and the opposition group, Qadhafi’s forces used armed force to contain those protesters. While the Qadhafi regime still maintained its authority in Tripoli, the capital of Libya, the opposition headquartered in Benghazi occupied eastern Libya. Qadhafi denounced protesters as “cockroaches” and stated that he would “cleanse Libya house by house.” [61] On February 26, the Security Council adopted Resolution 1970, establishing an arms embargo and imposed sanctions on Qadhafi and his family. [62] In March, the UN also dispatched some officials to Libya to persuade Libyan government officials to end the violence. Moreover, UN Secretary-General Ban Ki-moon personally spoke with Qadhafi on the phone to persuade his compliance with the resolution. [63] However, those diplomatic efforts turned out to be failures. Consequently, on March 17, the Security Council adopted Resolution 1973, authorizing “all necessary measures...to protect civilians...” On the next day, NATO air forces initiated bombing on Libya. [64]

Just as in Kosovo’s case, NATO claimed that the intervention saved Libyan civilians from Qadhafi’s aggression. [65] NATO also successfully collapsed the Qadhafi regime, though the purpose of the intervention was not regime

A Theoretical Assessment of Humanitarian Intervention and R2P

Written by Yuki Yoshida

change. [66] The majority of the bombing targets were also military-related facilities that would threaten Libyan people. [67] However, NATO again failed to improve the humanitarian situation, and Libya remains highly unstable today. The Interim National Transitional Council (INTC), established by the Libyan opposition group and supported by NATO, has been incapable of functioning as the central authority. [68] Occasional clashes between militias are another reason for instability. Particularly, the opposition-sponsored militia “have unlawfully detained thousands of regime supporters, executed others, driven misused communities from their homes and engaged in widespread torture.” [69] Furthermore, according to the International Crisis Group, roughly 12,500 Libyans remained armed, and the small arms proliferated throughout the country. [70] Thus, considering Libya’s chaotic situation, it is questionable whether the NATO intervention can be viewed as a “humanitarian” intervention.

Why did NATO Intervene in Libya?

NATO member states expressed humanitarian concerns about the imminent threat in Libya. President Obama stated, “We cannot stand idly when a tyrant tells his people there will be no mercy.” [71] French President Sarkozy also claimed, “In Libya, the civilian population, which is demanding nothing more than the right to choose their own destiny, is in mortal danger...it is our duty to respond to their anguished appeal.” [72] In addition, the UN Security Council concluded that attacks of pro-Qadhafi forces “may amount to crimes against humanity.” [73] Thus, Qadhafi’s explicit aggression against protesters and the sense of moral duty to save them, to some extent, urged NATO to intervene.

However, NATO intervening states had concrete national interests to preserve in Libya. First, restoration of access to Libya’s oil reserve was vital for European states. Libya has exported roughly 85 percent of oil to several European states, such as Italy, France, and the UK. [74] Libyan oil accounted for more than 28 percent of Italian oil imports, 17 percent of French oil imports, and 8 percent of UK’s oil imports. During the civil war, oil production significantly dropped, amounting to less than 20 percent of Libya’s domestic needs. [75] This decline likely caused great damage to the economies of those oil importing European states. Therefore, ending the civil war to restore Libya’s oil production was the primary purpose of their intervention. Consequently, those European states played leading roles in the intervention by providing air forces, training the Libyan rebels, and providing them weapons. [76]

Second, Western states feared that Libya could return to a terrorist-sponsored state if Qadhafi won the civil war. [77] Since Qadhafi established terrorist training camps in Libya in the early 1970s, the Libyan government provided a large amount of weapons, money, and safe heaven to various terrorist groups. [78] The US then added Libya to the list of states sponsoring terrorism and implemented trade restrictions against Libya. [79] In 1999, Qadhafi started cutting his ties with terrorist groups, and his efforts eventually made the US decide to remove Libya from the list in 2006. Hence, it can be assumed that Qadhafi did not sponsor any terrorist groups at the time of the civil war. Yet, Western states were afraid of Qadhafi’s potential return to a sponsor of terrorism, which would greatly threaten the security of Europe because of Libya’s proximity.

Third, Western states feared Libya’s possession and potential use of chemical weapons against them. In the mid-1970s, Qadhafi pursued nuclear weapons. Libya’s use of chemical weapons against Chad was also severely criticized in the late 1980s. [80] In 2003, the Libyan government announced that it would abandon its weapons of mass destruction (WMD) including nuclear, chemical, and biological weapons. [81] However, Libya still failed to completely give up their chemical weapons. Because Qadhafi was not generally considered a rational actor, his possession of weapons was a threat to Western states. Thus, the interests of NATO member states including economic and security concerns were greater driving forces behind the intervention than humanitarian concerns. Similar to Kosovo’s case, realism seems to better explain states’ motivations in Libya.

R2P: What has Changed?

Several differences exist between Kosovo’s case and Libya’s case. First, the NATO intervention in Kosovo was illegal due to lack of Security Council authorization, whereas the intervention in Libya was legal because the Security Council in Resolution 1973 “provided the coalition with the legitimate authority to intervene.” [82] This change is worth noting because it suggests that NATO recognized the Security Council as the legitimate authority that can

A Theoretical Assessment of Humanitarian Intervention and R2P

Written by Yuki Yoshida

authorize intervention, which is stipulated in ICISS's report.

Another significant change was that while it took almost a decade for the international community to mobilize the coalition in Kosovo's case, it took only a month for the Security Council to authorize the use of force in Libya's case since the conflict began. [83] This suggests that the international community has become more responsive to humanitarian crises and has realized its moral duty to protect civilians. In this sense, R2P has had some impact on states' behavior in the face of mass atrocities.

R2P: What has NOT Changed?

In fact, the impact of R2P was very limited and the two cases shared many similar features and consequences. First, pursuance of national interests seemed to be greater factors that motivated states to intervene than humanitarian concerns. NATO intervened in Kosovo because European states wanted to protect their own security, whereas the US sought to maintain its hegemony in Europe. Likewise, NATO intervened in Libya because it was afraid of Qadhafi's potential to sponsor terrorists again and to use chemical weapons against Western states. To remove such threats, regime change then became the main objective of their intervention. [84] This argument is well-supported by the fact that NATO left Libya "soon after the killing of Qaddafi despite the continuation of sporadic violence in some parts of the country." [85] This was a clear abuse of the mandate because the Security Council authorized the use of force was to protect civilians, but not to change existing regime and to support the rebels. [86] This blatant mandate abuse implies that realism still dominated the motivations of intervention regardless of adoption of R2P.

Second, both interventions were not fully supported by the international community. This was obvious in Kosovo's case because Russia warned that it would veto any resolution authorizing the use of force. Many developing states also criticized the great powers' justification of the intervention. [87] Regarding Libya's case, Security Council's authorization of the use of force does not mean that the intervention was fully supported. In fact, Brazil, China, Germany, India, and Russia abstained from voting by expressing their opposition of use of force. Brazil stated, "We are not convinced that the use of force...will lead to the realization of our common objectives – the immediate end to violence and the protection of civilians." [88] China argued, "China is always against the use of force in international relations...China has serious difficulty with parts of the resolution." [89] Germany also claimed, "We have very carefully considered the option of using military force – its implications as well as its limitations. We see great risks. The likelihood of large-scale loss of life should not be underestimated." [90] The reason why those states, especially Russia and China, abstained was that as Russia stated, they did not want to prevent the adoption of the resolution. Although this might be viewed as an influence of R2P, appealing for states' morality to defend human rights, their fundamental opposition of use of force remains unchanged.

Third, as examined in both case studies, the two interventions clearly failed to alleviate humanitarian situations in Kosovo and Libya; rather, the interventions created unintended humanitarian crises and made people suffer more. Fourth, although the first pillar of R2P calling for states' responsibility to protect was mentioned in Resolution 1973, no NATO member states and the Security Council invoked the third pillar of R2P, which calls for the international community's responsibility to protect. [91] Thus, R2P was not used to mobilize the international coalition to protect civilians. This implies that R2P has not developed enough to influence states' decision-making.

Conclusion

Examination of the features of the two intervention cases shows that states' responses to humanitarian crises have not dramatically changed before and after R2P was adopted. Although the adoption of R2P represents significant progress of the liberal school, the realist critique of R2P should be seriously considered to avoid intervention based on national interests of great powers. Considering the fact that the intervention in Libya was undertaken to preserve national interests of some of NATO member states, the selectivity of intervention is likely to occur in the future, meaning that states would not intervene in humanitarian crises if their national interests are not at stake. In other words, realism continues to enjoy greater explanatory power for humanitarian intervention than liberalism. Also, the intervention in Libya resulted in making it difficult for the Security Council to authorize future intervention because the

A Theoretical Assessment of Humanitarian Intervention and R2P

Written by Yuki Yoshida

mandate stipulated in Resolution 1973 was stretched to serve one of the Western states' interests, which was regime change. The abuse of the mandate made developing states suspicious about motivations of intervening states. This will inevitably prevent R2P from developing as a more solid and influential norm, and states' reference to R2P in future humanitarian crises will be contested.

[1] J L. Holzgrefe, "The Humanitarian Intervention Debate," in *Humanitarian Intervention Ethical, Legal, and Political Dilemmas*, ed. J L. Holzgrefe and Robert O. Keohane (Cambridge: Cambridge University Press, 2003), p.8.

[2] Robert Jackson and Georg Sørensen, *Introduction to International Relations: Theories & Approaches*, 4th ed (New York: Oxford University Press, 2010), p.66.

[3] Ibid.

[4] Hans Morgenthau, "To Intervene or Not to Intervene," *Foreign Affairs* (1967), p.103.

[5] Bettina Dahl. Soendergaard, "The Political Realism of Augustine and Morgenthau: Issues of Man, God, and Just War," *Turkish Journal of International Relations* 7.4 (2008), p.6.

[6] Jonelle Lonergan, "Neo-Realism and Humanitarian Action: From Cold War to Our Days," *Journal of Humanitarian Assistance* (2011).

[7] Kenneth N. Waltz, *Theory of International Politics* (Illinois: Waveland Press, Inc, 1979), p.109.

[8] S. Telbami, "Kenneth Waltz, Neorealism, and Foreign Policy," *Foreign Policy, Security Studies* 11.3 (2012), p.161.

[9] Waltz, 1979, p.117.

[10] John Charvet and Elisa Kaczynska-Nay, *The Liberal Project and Human Rights: Theory and Practice of a New World Order* (London: Cambridge University Press, 2008), p.3.

[11] Michael Doyle and Stefano Recchia, "Liberalism in International Relations," *International Encyclopedia of Political Science* (2011), p.1434.

[12] Stephen M. Walt, "International Relations: One World, Many Theories," *Foreign Policy* 110 (1998), p.32.

[13] Jackson and Sørensen, p.66.

[14] Walt, p.32.

[15] Doyle and Recchia, p.1438.

[16] Alex J. Bellamy and Paul D. Williams, *Understanding Peacekeeping*, 2nd ed (Massachusetts: Polity Press, 2010), p.267.

[17] Gareth Evans, "From Humanitarian Intervention to the Responsibility to Protect," *Wisconsin International Law Journal* 24.3 (2006), p.706.

[18] Jeffery L. Dunoff, Steven R. Ratner, and David Wippman, *International Law Norms, Actors, Process*, 2nd ed (New York: Aspen Publisher, 2006), p.939.

[19] Cindy Collins and Thomas G. Weiss, *Humanitarian Challenges and Intervention* (Colorado: Westview Press, 2000), p.95.

A Theoretical Assessment of Humanitarian Intervention and R2P

Written by Yuki Yoshida

- [20] Naumann Klaus, "NATO, Kosovo, and Military Intervention," *Global Governance* 8.1 (2002).
- [21] Grant Stegner, "American Humanitarian Intervention: How National Interests, Domestic and International Factors, and 'Historical Milieu' Shape U.S. Intervention Policy," *Macalester College* (2008), p.88.
- [22] Collins and Weiss, p.98.
- [23] Adam Wolfson, "Humanitarian Hawks? Why Kosovo but not Kuwait," *Policy Review* 98 (2000), p.32.
- [24] Dunoff, Ratner, and Wippman, p.941.
- [25] U.N. Security Council, (Provisional Verbatim Record), 3988th Meeting, 24 March 1999 (S/PV.3988), p.4.
- [26] *Ibid.*, p.6.
- [27] David Haglund and Allen Sen. "Kosovo, and the Case of the Free Riders: Belgium, Canada, Portugal, and Spain," in *Kosovo and the Challenge of Humanitarian Intervention: Selective Indignation, Collective Intervention, and International Citizenship*, ed. Albrecht Shnabel and Ramesh Thakur. Tokyo: *United Nations University* (2000), <http://archive.unu.edu/p&g/kosovo_full.htm> [accessed 10 December 2012]
- [28] Grant Stegner, "American Humanitarian Intervention: How National Interests, Domestic and International Factors, and 'Historical Milieu' Shape U.S. Intervention Policy," *Macalester College* (2008), p.99.
- [29] David N. Gibbs, "Washington's New Interventionism: U.S. Hegemony and Inter-Imperialist Rivalries" *Monthly Review* 53.4 (2001), p.23.
- [30] Stegner, p.97.
- [31] Kenneth N. Waltz, "Structural Realism after the Cold War," *International Security* 25.1 (2000), p.21.
- [32] Gibbs, p.23.
- [33] *Ibid.*, p.24.
- [34] *Ibid.*, p.25.
- [35] *Ibid.*, p.27.
- [36] *Ibid.*
- [37] Waltz, 1979, p.199.
- [38] Ramesh Thakur, *The Responsibility to Protect: Norms, Laws and the Use of Force in International Politics* (New York: Routledge, 2011), p.74.
- [39] Alex J. Bellamy, *Global Politics and the Responsibility to Protect: From Words to Deeds*. (New York: Routledge, 2011), p.16.
- [40] Alex J. Bellamy, "The Responsibility to Protect—Five Years On," *Ethics & International Affairs* 24.2 (2010), p.143.
- [41] Gareth Evans and Mohamed Sahnoun, "The Responsibility to Protect." *Foreign Affairs* 81.6 (2002), p.102.

A Theoretical Assessment of Humanitarian Intervention and R2P

Written by Yuki Yoshida

- [42] International Commission on Intervention and State Sovereignty, "The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty," (Ottawa: The International Development Research Centre, 2001), XI.
- [43] Thakur, 2011, p.137.
- [44] Thomas G. Weiss, *Humanitarian Intervention* (Cambridge and Massachusetts: Polity Press, 2007), p.103.
- [45] Gareth Evans, *The Responsibility to Protect: Ending Mass Atrocity Crimes Once and For All* (Washington D.C: The Brookings Institution, 2008), p.65.
- [46] International Commission on Intervention and State Sovereignty, p.32.
- [47] Ibid., p.49.
- [48] Ibid., p.51.
- [49] Ibid., p.32.
- [50] Ibid., p.35.
- [51] Ibid., p.36.
- [52] Ibid., p.37.
- [53] Alex J. Bellamy, "Realizing the Responsibility to Protect." *International Studies Perspectives* 10.2 (2009), p.117.
- [54] U.N. General Assembly, 59th Session, "Follow-up to the Outcome of the Millennium Summit"(A/59/565), 2 December 2004. [accessed 4 December 2012]
- [55] Luke Glanville, "Darfur and the responsibilities of sovereignty," *International Journal of Human Rights* 15.3 (2011), p.470.
- [56] U.N. General Assembly, 60th Session. "Draft Resolution Referred to the High-level Plenary Meeting of the General Assembly by the General Assembly at its Fifty-Ninth Session" (A/60/L.1), 15 September 2005, accessed December 4, 2012.
- [57] Alex J. Bellamy, "The Responsibility to Protect—Five Years On." *Ethics & International Affairs* 24.2 (2010), p.145.
- [58] Jeremy Moses, "Sovereignty as Irresponsibility? A Realist Critique of the Responsibility to Protect," *Review of International Studies* (2006), p.18.
- [59] Ibid., p.19.
- [60] Christopher M. Blanchard, "Libya: Unrest and U.S. Policy." *Congressional Research Service* (2011), p.1.
- [61] "Libya Protests: Defiant Gaddafi Refuses to Quit," *BBC News Middle East*, February 22, 2011, <<http://www.bbc.co.uk/news/world-middle-east-12544624>> [accessed 4 December 2012]
- [62] Blanchard, p.10.
- [63] Alex J. Bellamy, "Libya and the Responsibility to Protect: The Exception and the Norm," *Ethics & International*

A Theoretical Assessment of Humanitarian Intervention and R2P

Written by Yuki Yoshida

Affairs 25.3 (2011), p.265.

[64] Mary Ellen. O'Connell, "How to Lose a Revolution," *e-International Relations* (2011).

[65] Benjamin H. Friedman, "Intervention in Libya and Syria Isn't Humanitarian or Liberal," *National Interest*, April 5, 2012, <<http://nationalinterest.org/blog/the-skeptics/intervention-libya-syria-isn%E2%80%99t-humanitarian-or-liberal-6739>> [accessed 4 December 2012]

[66] David Rieff, "R2P, R.I.P.," *The New York Times*, November 7, 2011, <http://www.nytimes.com/2011/11/08/opinion/r2p-rip.html?pagewanted=all&_r=0> [accessed 4 December 2012].

[67] James Pattison, "The Ethics of Humanitarian Intervention in Libya," *Ethics & International Affairs* 25.3 (2011), p.273.

[68] Kerthi Sampath. Kumar, "Libya and R2P: A Year After UNSCR 1973," *Institute for Defense Studies and Analysis* (2012), p.2.

[69] Friedman, 2012.

[70] Kumar, p.3.

[71] "Libya: US, UK and France Attack Gaddafi Forces," *BBC News Africa*, March 30, 2011 <<http://www.bbc.co.uk/news/world-africa-12796972>> [accessed 4 December 2012]

[72] Ibid.

[73] Jonas Claes, "Libya and the Responsibility to Protect," *United States Institute of Peace* (2011).

[74] Harry Kazianis, "Intervention in Libya: Example of R2P or Classic Realism," *e-International Relations*, 2011.

[75] David Anderson, "The Fight for Libya's Oil, " *Politics in Spires*, September 15, 2011 <<http://politicsinspires.org/2011/09/the-fight-for-libyas-oil/>> [accessed 4 December 2012]

[76] "Italy, France Sending Troops to Advise Libyan Rebels," *CNN World*, April 20, 2011 <http://articles.cnn.com/2011-04-20/world/libya.war_1_french-troops-rebel-stronghold-military-officers?_s=PM:WORLD> [accessed 4 December 2012]

[77] Kazianis, 2011.

[78] Christopher Boucek, "Libyan State-Sponsored Terrorism: An Historical Perspective," *Terrorism Monitor Volume* 3.6 (2005).

[79] Eben Kaplan, "How Libya Got off the List," *Council on Foreign Relations*, October 16, 2007 <<http://www.cfr.org/libya/libya-got-off-list/p10855>> [accessed 4 December 2012]

[80] Ibid.

[81] Kazianis, 2011.

[82] James Pattison, "The Ethics of Humanitarian Intervention in Libya," *Ethics & International Affairs* 25.3 (2011), p.273.

[83] Ramesh Thakur, "R2P, Libya and International Politics as the Struggle for Competing Normative Architectures,"

A Theoretical Assessment of Humanitarian Intervention and R2P

Written by Yuki Yoshida

e-International Relations (2011).

[84] Rieff, 2012.

[85] Kumar, p.5.

[86] Kuwali, Dan. "Responsibility to Protect: Why Libya and not Syria?" *The African Center for the Constructive Resolution of Dispute (ACCORD)*, 2012.

[87] Michael Byers and Simon Chesterman, "Changing the Rule about Rules? Unilateral Humanitarian Intervention and the Future of International Law" in *Humanitarian Intervention: Ethical, Legal, and Political Dilemmas*, edited by J L. Holzgrefe and Robert O. Keohane (Cambridge University Press, 2003), p.194.

[88] UN Security Council (Provisional Verbatim Record), 6498th Meeting, 17, March 2011 (S/PV. 6498), 6, accessed December 4, 2012.

[89] *Ibid.*, 10.

[90] *Ibid.*, 5.

[91] Simon Chesterman, "Leading from Behind: The Responsibility to Protect, the Obama Doctrine, and Humanitarian Intervention after Libya." *Ethics & International Affairs* 25.3 (2011), p.280.

Bibliography

Anderson, David. "The Fight for Libya's Oil." *Politics in Spires*, September 15, 2011. <<http://politicsinspires.org/2011/09/the-fight-for-libyas-oil/>> [accessed 4 December 2012]

Bellamy, Alex J and Paul D. Williams. *Understanding Peacekeeping*. 2nd ed. (Massachusetts: Polity Press, 2010).

Bellamy, Alex J. "Realizing the Responsibility to Protect." *International Studies Perspectives* 10.2 (2009), 111-128.

Bellamy, Alex J. "The Responsibility to Protect—Five Years On." *Ethics & International Affairs* 24.2 (2010), 143-169.

Bellamy, Alex J. *Global Politics and the Responsibility to Protect: From Words to Deeds* (New York: Routledge, 2011).

Bellamy, Alex J. "Libya and the Responsibility to Protect: The Exception and the Norm." *Ethics & International Affairs* 25.3 (2011), 263-269.

Blanchard, Christopher M. "Libya: Unrest and U.S. Policy." *Congressional Research Service*, 2011.

Boucek, Christopher. "Libyan State-Sponsored Terrorism: An Historical Perspective." *Terrorism Monitor Volume* 3.6 (2005).

Byers, Michael and Simon Chesterman. Changing the Rule about Rules? Unilateral

Humanitarian Intervention and the Future of International Law. In *Humanitarian Intervention: Ethical, Legal, and Political Dilemmas*, edited by Holzgrefe, J L. and Robert O. Keohane (Cambridge University Press, 2003).

Charvet, John, and Elisa Kaczynska-Nay. *The Liberal Project and Human Rights: Theory and Practice of a New World Order* (London: Cambridge University Press, 2008).

A Theoretical Assessment of Humanitarian Intervention and R2P

Written by Yuki Yoshida

- Chesterman, Simon. "Leading from Behind: The Responsibility to Protect, the Obama Doctrine, and Humanitarian Intervention after Libya." *Ethics & International Affairs* 25.3 (2011), 279-285.
- Claes, Jonas. "Libya and the Responsibility to Protect." *United States Institute of Peace*, 2011.
- Collins, Cindy, and Thomas G. Weiss. *Humanitarian Challenges and Intervention* (Colorado: Westview Press, 2000).
- Doyle, Michael, and Stefano Recchia. "Liberalism in International Relations." *International Encyclopedia of Political Science* (2011), 1434-1438.
- Dunoff, Jeffery L., Steven R. Ratner, and David Wippman. *International Law Norms, Actors, Process*. 2nd ed. (New York: Aspen Publisher, 2006).
- Evans, Gareth. "From Humanitarian Intervention to the Responsibility to Protect." *Wisconsin International Law Journal* 24.3 (2006), 703-722.
- Evans, Gareth. *The Responsibility to Protect: Ending Mass Atrocity Crimes Once and For All* (Washington D.C.: The Brookings Institution, 2008).
- Evans, Gareth and Mohamed Sahnoun. "The Responsibility to Protect." *Foreign Affairs* 81.6 (2002), 99-110.
- Friedman, Benjamin H. "Intervention in Libya and Syria Isn't Humanitarian or Liberal." *The National Interest*, April 5, 2012. <<http://nationalinterest.org/blog/the-skeptics/intervention-libya-syria-isn%E2%80%99t-humanitarian-or-liberal-6739>> [accessed 4 December 2012]
- Gibbs, David N. "Washington's New Interventionism: U.S. Hegemony and Inter-Imperialist Rivalries." *Monthly Review* 53.4 (2001), 15-37.
- Glanville, Luke. "Darfur and the responsibilities of sovereignty." *International Journal of Human Rights* 15.3 (2011), 462-480.
- Haglund, David, and Allen Sen. Kosovo, and the Case of the Free Riders: Belgium, Canada, Portugal, and Spain. "Kosovo and the Challenge of Humanitarian Intervention: Selective Indignation, Collective Intervention, and International Citizenship." Edit by Albrecht Shnabel, and Ramesh Thakur. Tokyo: *United Nations University*, 2000. <http://archive.unu.edu/p&g/kosovo_full.htm> [accessed 10 December 2012]
- Holzgrefe, J L. The Humanitarian Intervention Debate. *Humanitarian Intervention Ethical, Legal, and Political Dilemmas*, edited by Holzgrefe, J L. and Robert O. Keohane (Cambridge: Cambridge University Press, 2003).
- International Commission on Intervention and State Sovereignty. "The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty" (Ottawa: The International Development Research Centre, 2001).
- "Italy, France Sending Troops to Advise Libyan Rebels." *CNN World*, April 20, 2011. <http://articles.cnn.com/2011-04-20/world/libya.war_1_french-troops-rebel-stronghold-military-officers?_s=PM:WORLD> [accessed 4 December 2012]
- Jackson, Robert and Georg Sørensen. *Introduction to International Relations: Theories & Approaches*. 4th ed. New York: Oxford University Press, 2010.
- Kaplan, Eben. "How Libya Got off the List." *Council on Foreign Relations*, October 16, 2007. <<http://www.cfr.org/libya/libya-got-off-list/p10855>> [accessed 4 December 2012]

A Theoretical Assessment of Humanitarian Intervention and R2P

Written by Yuki Yoshida

Kazianis, Harry. "Intervention in Libya: Example of R2P or Classic Realism." *e-International Relations*, 2011.

Klaus, Naumann. "NATO, Kosovo, and Military Intervention." *Global Governance* 8.1 (2002), 13-17.

Kumar, Kerthi Sampath. "Libya and R2P: A Year After UNSCR 1973." *Institute for Defense Studies and Analysis*, 2012.

Kuwali, Dan. "Responsibility to Protect: Why Libya and not Syria?" *The African Center for the Constructive Resolution of Dispute (ACCORD)*, 2012.

"Libya Protests: Defiant Gaddafi Refuses to Quit." *BBC News Middle East*, February 22, 2011. <<http://www.bbc.co.uk/news/world-middle-east-12544624>> [accessed 4 December 2012]

"Libya: US, UK and France Attack Gaddafi Forces." *BBC News Africa*, March 30, 2011. <<http://www.bbc.co.uk/news/world-africa-12796972>> [accessed 4 December 2012]

Lonergan, Jonelle. "Neo-Realism and Humanitarian Action: From Cold War to Our Days." *The Journal of Humanitarian Assistance*, 2011.

Morgenthau, Hans. "To Intervene or Not to Intervene." *Foreign Affairs*, 1967, 92-103.

Moses, Jeremy. "Sovereignty as Irresponsibility? A Realist Critique of the Responsibility to Protect." *Review of International Studies* (2006), 1-23.

O'Connell, Mary Ellen. "How to Lose a Revolution." *e-International Relations*, 2011.

Pattison, James. "The Ethics of Humanitarian Intervention in Libya." *Ethics & International Affairs* 25.3 (2011), 271-277.

Rieff, David. "R2P, R.I.P." *The New York Times*, November 7, 2011. <<http://www.nytimes.com/2011/11/08/opinion/r2p-rip.html?pagewanted=all>> [accessed 4 December 2012]

Soendergaard, Bettina Dahl. "The Political Realism of Augustine and Morgenthau: Issues of Man, God, and Just War." *Turkish Journal of International Relations* 7.4 (2008), 1-17.

Stegner, Grant. "American Humanitarian Intervention: How National Interests, Domestic and International Factors, and 'Historical Milieu' Shape U.S. Intervention Policy." *Macalester College*, 2008, 82-113.

Telbami, S. "Kenneth Waltz, Neorealism, and Foreign Policy." *Foreign Policy, Security Studies* 11.3 (2012), 158-170.

Thakur, Ramesh. "R2P, Libya and International Politics as the Struggle for Competing Normative Architectures." *e-International Relations*, 2011.

Thakur, Ramesh. *The Responsibility to Protect: Norms, Laws and the Use of Force in International Politics* (New York: Routledge, 2011).

UN General Assembly, 59th Session, "Follow-up to the Outcome of the Millennium Summit" (A/59/565). December 2, 2004. [accessed 4 December 4, 2012]

UN General Assembly, 60th Session. "Draft Resolution Referred to the High-level Plenary Meeting of the General Assembly by the General Assembly at its Fifty-Ninth Session" (A/60/L.1). September 15, 2005. [accessed 4 December 2012]

A Theoretical Assessment of Humanitarian Intervention and R2P

Written by Yuki Yoshida

UN Security Council, 3988th Meeting. Provisional Verbatim Record. (S/PV. 3988), March 24, 1999. [accessed 4 December 2012]

UN Security Council, 6498th Meeting. Provisional Verbatim Record. (S/PV.6498), March 17, 2011. [accessed 4 December 2012]

Walt, Stephen M. "International Relations: One World, Many Theories." *Foreign Policy* 110 (1998), 29-46.

Waltz, Kenneth N. *Theory of International Politics* (Illinois: Waveland Press, Inc, 1979).

Waltz, Kenneth N. "Structural Realism after the Cold War." *International Security* 25.1 (2000), 5-41.

Weiss, Thomas G. *Humanitarian Intervention*. (Cambridge and Massachusetts: Polity Press, 2007).

Wolfson, Adam. "Humanitarian Hawks? Why Kosovo but not Kuwait." *Policy Review* 98 (2000), 29-43.

—

Written by: Yuki Yoshida
Written at: New York University, Center for Global Affairs
Written for: Colette Mazzucelli
Date written: December 2012